

EXHIBIT 5:

FOIA Appeal Denial



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Ana Toledo
Targeted Justice, Inc.
Post Office Box 15990
Houston, TX 77022

Re: Appeal No. A-2024-00758
Request No. 1609707-000

analuda@proton.me

VIA: Online Portal - 02/13/2024

Dear Ana Toledo:

You appealed from the action of the Federal Bureau of Investigation (FBI) on your Freedom of Information Act (FOIA) request for access to records "containing all the identities removed from the Terrorist Screening Databases Handling Codes 3 and 4 due to the persons death, including date of removal." I note that your appeal concerns the FBI's refusal to confirm or deny the existence of records pursuant to Exemption (b)(7)(E).

After carefully considering your appeal, I am affirming, on partly modified grounds, the FBI's action in refusing to confirm or deny the existence of any records responsive to your request. Please be advised that the FBI did not conduct a search for the requested records. The existence of any responsive records would be protected from disclosure under the FOIA pursuant to 5 U.S.C. § 552(b)(7)(E). This provision concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions. Additionally, it is reasonably foreseeable that confirming or denying the existence of such records would harm the interests protected by this exemption.

Finally, I note that you requested expedited treatment of your appeal. Because I am closing your underlying appeal, your request for expedited treatment of this appeal is moot.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your

request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll-free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office and speak with the undersigned agency official by calling 202-514-3642.

Sincerely,



X

Christina Troiani

Chief, Administrative Appeals Staff